

1 RENE L VALLADARES  
2 Federal Public Defender  
3 State Bar No. 11479  
4 MONIQUE N. KIRTLEY  
5 Assistant Federal Public Defender  
6 411 E. Bonneville Avenue, Suite 250  
7 Las Vegas, Nevada 89101  
8 (702) 388-6577  
9 (Fax) 388-6261

10 Attorneys for Anhwar Telly Young

11  
12 UNITED STATES DISTRICT COURT  
13 DISTRICT OF NEVADA

14 \* \* \*

15 UNITED STATES OF AMERICA,

16 Plaintiff,

vs.

17 ANHWAR TELLY YOUNG,

18 Defendant.

19 2:09-CR-00340-PMP-GWF

20 **MEMORANDUM AND PROPOSED**  
**ORDER**

21 COMES NOW, the defendant ANHWAR TELLY YOUNG, by and through  
22 counsel Monique Kirtley, Assistant Federal Public Defender who submits this memorandum and  
23 proposed order. This memorandum is made based on all prior proceedings had herein and the  
24 attached memorandum of points and authorities.

25 DATED this 6<sup>th</sup> day of May, 2013.

26 RENE VALLADARES  
27 Federal Public Defender

28 /s/ *Monique Kirtley*  
By MONIQUE KIRTLEY  
Assistant Federal Public Defender

## MEMORANDUM

On August 31, 2009., Mr. Anhwar Telly Young, plead Not Guilty By Reason of Insanity to count one of the Information alleging a violation of 18 U.S.C. § 844 (e). On April 23, 2012, Mr. Young was committed to the custody of the Attorney General pursuant to 18 U.S.C. § 4243. On March 14, 2013, the parties received the Annual Report and Certificate of Conditional Release for Mr. Young from B.R. Jett, Warden Federal Medical Center, Rochester, Minnesota.

7 On May 6, 2013, the Court held a telephonic status conference. Attending the  
8 telephonic status conference was Mr. Anhwar Young, AUSA Gregory Damm, counsel for the  
9 government, AFPD Monique Kirtley, counsel for Mr. Young, Dr. Andrew Simcox, PHD, Chief of  
10 Psychology, Tanya Willford, LICSW, and Leighann Milford, United States Probation Officer,  
11 Eastern District of California. After hearing testimony from the parties the Court Ordered Mr.  
12 Young's conditional release pursuant to terms and conditions as listed in the attached proposed  
13 order.

DATED this 6<sup>th</sup> day of May, 2013.

Respectfully submitted,

RENE L. VALLADARES  
Federal Public Defender

By: s/ Monique Kirtley  
MONIQUE KIRTLEY  
Assistant Federal Public Defender  
Counsel for Anhwar Telly Young

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

\* \* \*

UNITED STATES OF AMERICA,

Plaintiff,

2:09-cr-00340-PMP-PAL

## **PROPOSED ORDER**

VS.

ANHWAR TELLY YOUNG,

Defendant.

On May 6, 2013, pursuant to 18 U.S.C. § 4247(d), the Court held a Telephonic Status Conference hearing on the certificate filed by the Warden of the Federal Medical Center in Rochester, Minnesota requesting the conditional release of ANHWAR TELLY YOUNG, whom this Court found not guilty by reason of insanity and committed for hospitalization on April 23, 2012. Present at the hearing were AUSA Gregory Damm and Assistant Federal Public Defender Monique Kirtley, counsel for ANHWAR TELLY YOUNG. The Court heard testimony, via teleconference, from Dr. Andrew Simcox, Chief of Psychology at FMC Rochester, Tanya Willford, LICSW, Leighann Milford, United States Federal Probation Officer, and ANHWAR TELLY YOUNG.

Upon careful review of the report and consideration of the testimony presented, the Court finds that ANHWAR TELLY YOUNG's conditional release under a prescribed regimen of medical, psychiatric, or psychological care or treatment would no longer create a substantial risk of bodily injury to another person or serious damage to the property of another. Therefore, conditional discharge, under the supervision by the United States Probation Office for a period of five (5) years, is appropriate under the conditions set forth below.

Pursuant to 18 U.S.C. § 4243(f)(2), ANHWAR TELLY YOUNG shall be discharged from his commitment to the custody of the Attorney General under the following conditions:

1. Mr. Young will reside with his mother Mary Williams at 4130 W. Ramona Ave., Fresno, CA 93722. Mr. Young will not make any changes in his residence without the

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1 advance approval of the mental health providers and the final approval of the Supervising U.S.  
2 Probation Officer.

3           2. Mr. Young will comply with all recommendations of treatment and will  
4 comply with all appointments with the Fresno County Mental Health Center and/or the contract  
5 provider for the U.S. Probation Office. Mr. Young shall not change mental health providers without  
6 the advance approval of the U.S. Probation officer.

7           3. Mr. Young is restricted from travel outside of the Eastern District of  
8 California except with the prior approval of the U.S. Probation Officer.

9           4. Mr. Young shall comply with psychiatric treatment as directed by the  
10 treatment team and the U.S. Probation Office, to include oral and injectable psychotropic  
11 medications.

12           5. While Mr. Young is in outpatient counseling, he shall comply with being  
13 admitted to an inpatient facility or placed in a crisis stabilization facility should his treating clinicians  
14 or U.S. Probation Officer deem it is necessary for his safety or the safety of the community

15           6. Mr. Young is to abstain from all use of alcoholic beverages and not frequent  
16 places where alcohol is chief item for sale and other drugs not prescribed by his treating physician.  
17 His treating physician shall notify the United States Probation Officer of any changes in the  
18 administration of anti-psychotic drugs.

19           7. Mr. Young is to submit to urine analysis and other drug testing for the  
20 detection of use of controlled substances and to undergo regular urine or serum blood level screening  
21 if ordered by the treating physician or the U.S. Probation Officer to ensure abstinence from  
22 substances and the maintenance of a therapeutic level of medication.

23           8. Mr. Young shall participate in outpatient/inpatient substance abuse  
24 counseling as directed by the U.S. Probation Officer, if deemed necessary.

25           9. Mr. Young shall not possess any firearms, destructive devices, or other  
26 dangerous weapons. The defendant shall submit to the search of his person, property, home, and  
27 vehicle by a U.S. Probation Officer, or any other authorized person under the immediate and  
28 personal supervision of the probation officer, based upon reasonable suspicion without a search

1 warrant. Failure to submit to a search may be grounds for revocation. The defendant shall warn any  
2 other occupants of the residence that the premises may be subject to searches pursuant to this  
3 condition.

4 10. Mr. Young shall not commit another federal, state, or local crime.

5 11. Mr. Young is to report any contact with any law enforcement officer to the  
6 U.S. Probation Office within 24 hours of the contact.

7 12. Mr. Young shall answer truthfully all inquiries by the U.S. Probation Officer  
8 and follow the instructions of the U.S. Probation Officer.

9 13. Mr. Young will be supervised by the U.S. Probation Office for a specified  
10 period imposed by the Court to ensure his compliance. Mr. Young will comply with the standard  
11 conditions of the U.S. Probation Office, Eastern District of California, including waiving his right  
12 to confidentiality regarding his mental health treatment in order to allow sharing of information with  
13 the Supervising Probation Officer who will assist in evaluating the ongoing appropriateness of  
14 community placement.

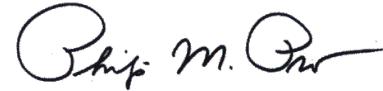
15 14. The medical provider may at any time recommend modification or  
16 elimination of the regimen of medical, psychiatric, or psychological care or treatment, upon  
17 certification to this Court that to do so would not create a substantial risk of bodily injury to another  
18 person or serious damage to the property of another. Any party requesting modification or  
19 termination of the Conditions of Release shall submit adequate documentation supporting the request  
20 through the Supervisory U.S. Probation Officer, to the Civil Division of the United States Attorney  
21 Office for the Eastern District of California, for a determination as to whether a motion for release  
22 should be filed.

23 15. Mr. Young's failure to adhere to any of these conditions will result in him  
24 being located, taken into custody, and subsequently reviewed by the federal court of jurisdiction for  
25 suitability for continued release to the community

26 **IT IS HEREBY ORDERED** that Defendant can be released from FMC Rochester  
27 as soon as transportation arrangements have been made to transport Mr. Young from FMC Rochester  
28 to Fresno, California.

1                   **IT IS FURTHER ORDERED** that the Clerk will send a copy of this Order to  
2 Warden, Federal Medical Center, P.O. Box 4600, Rochester, MN55903-4600, reference Reg. No.  
3 43660-048, and to U.S. Probation Office, Eastern District of California, 2500 Tulare Street, Suite  
4 3401, Fresno, CA 93721-1330.

5                   DATED this   6th   day of May, 2013.

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8                   PHILIP M. PRO  
9                   UNITED STATES DISTRICT COURT JUDGE

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## **CERTIFICATE OF ELECTRONIC SERVICE**

The undersigned hereby certifies that she is an employee of the Law Offices of the Federal Public Defender for the District of Nevada and is a person of such age and discretion as to be competent to serve papers.

That on May 6, 2013, she served an electronic copy of the above and foregoing **Memorandum and Proposed Order**, by electronic service (ECF) to the person named below:

DANIEL G. BOGDEN  
United States Attorney  
J. GREGORY DAMM  
Assistant United States Attorney  
333 Las Vegas Blvd. So., 5<sup>th</sup> Floor  
Las Vegas, Nevada 89101

/s/ *Blanca Lenzi*

## Employee of the Federal Public Defender